

### **Amendments to the Claims:**

This listing of claims will replace all prior versions and listings of claims in the application.

### **Listing of Claims:**

1. (currently amended) A device for treating cardiac disease of a heart having a longitudinal axis from an apex to a base and having an upper and lower portion divided by an A-V groove, said heart including a valvular annulus adjacent said A-V groove and ventricular lower extremities adjacent said apex, the device comprising:

- A. a cardiac constraint jacket:
  - i. said jacket defining a volume between an open upper end and a lower end, said jacket dimensioned for said apex of said heart to be inserted into said volume through said open upper end and for said jacket to be ~~slipped~~ placed over said heart, said jacket further dimensioned for said jacket to have a longitudinal dimension between said upper and lower ends sufficient for said jacket to ~~constrain~~ cover at least said lower portion of said heart;
  - ii. said jacket adapted to be secured to said heart with said jacket having portions disposed at least on opposite sides of said heart between said valvular annulus and said ventricular lower extremities;
- B. a delivery device for placing said jacket on said heart; said delivery device including:
  - i. a plurality of attachment locations, each of said attachment locations capable of releasably securing to separate positions surrounding a periphery of said open upper end of said jacket;
  - ii. a proximal handle;

- iii. a plurality of spacing arms connected to said handle and extending to distal ends with said attachment locations positioned at said distal ends a control arrangement selectively movable between an open position and a closed position, said control arrangement connected to said attachment locations such that when said control arrangement is in said closed position said attachment locations are in a compact array to urge said open upper end of said jacket into a collapsed configuration and when said control arrangement is in said open position said attachment locations are in an open array to urge said open upper end of said jacket into an open configuration sufficient for said heart to be inserted into said volume through said open upper end and for said open upper end to be placed over said apex of said heart and for said jacket to be slipped over said heart;
- iv. said capability for releasably securing including at least one of said spacing arms having a rod member movable relative thereto with an end disposed at said attachment locations, said rod member movable between a first position engaging said jacket at said attachment location and a second position disengaged from said jacket.

2. (currently amended) A device according to claim 1 further comprising wherein:

a control arrangement selectively movable between an open position and a closed position, said control arrangement connected to said attachment locations such that when said control arrangement is in said closed position said attachment locations are in a compact array to urge said open upper end of said jacket into a collapsed configuration and when said control arrangement is in said open position said attachment locations are in an open array to urge said open upper end of said jacket into an open configuration sufficient for said heart to be inserted into said volume through said open upper end and for said open upper end to be placed over said apex of said heart and for said jacket to be slipped over said heart;

said delivery device includes a biasing member for biasing said attachment locations to said open array.

3. (original) A device according to claim 2 wherein said biasing member includes a plurality of spacing arms connected to said handle and extending to distal ends with said attachment locations positioned at said distal ends, said spacing arms including outwardly flared portions biased away from each other to urge said attachment locations to said open array and connected to said control arrangement to urge said flared portions together against said bias when said control arrangement is moved to said closed position.
4. (original) A device according to claim 3 wherein said control arrangement includes a tube slidably coupled to said handle and surrounding said spacing arms for said tube to be moved proximally to said open position with said tube clear of said flared portions and further movable distally to cover said flared portions and urge said flared portions together.
5. (original) A device according to claim 2 wherein said spacing arms are flexible.
6. (original) A device according to claim 5 wherein said spacing arms are configured to have a greater radial flexibility than a lateral flexibility.
7. (original) A device according to claim 3 wherein said distal ends of said spacing arms are blunted to avoid trauma to tissue abutted by said distal ends.
8. (original) A device according to claim 3 wherein said attachment locations include openings in said distal ends to pass a suture through said openings and through said open end of said jacket to secure said jacket to said attachment locations and said jacket releasable upon severing and removing said suture.
9. (original) A device according to claim 1 wherein said control arrangement comprises drawstrings.
10. (currently amended) A device for delivery of a cardiac constraint jacket, said device comprising:
  - a plurality of attachment locations, each of said attachment locations can be releasably secured to separate positions surrounding a periphery of an open upper end of said jacket;

- a proximal handle, a plurality of spacing arms connected to said handle and extending to distal ends with said attachment locations positioned at said distal ends;
- a control arrangement selectively movable between an open position and a closed position, said control arrangement connected to said attachment locations such that when said control arrangement is in said closed position said attachment locations are in a compact array to urge said open upper end of said jacket into a collapsed configuration and when said control arrangement is in said open position said attachment locations are in an open array to urge said open upper end of said jacket into an open configuration sufficient for said heart to be inserted into said volume through said open upper end and for said open upper end to be placed over said apex of said heart and for said jacket to be slipped over said heart;
- said releasably secured including at least one of said spacing arms having a rod member movable relative thereto with an end disposed at said attachment locations, said rod member movable between a first position engaging said jacket at said attachment location and a second position disengaged from said jacket

whereby said jacket open end may be releasably attached to said attachment locations with said control arrangement moved to said closed position for said open end of said jacket to be advanced toward said apex of said heart through a restricted space and said control arrangement may be moved to said open position when said open end has passed through said restricted space and is in proximity to said apex for placement of said jacket on said heart.

11. (original) A device according to claim 10 wherein said device includes a biasing member for biasing said attachment locations to said open array.
12. (original) A device according to claim 11 wherein said biasing member includes a plurality of spacing arms connected to said handle and extending to distal ends with said attachment locations positioned at said distal ends, said spacing arms including outwardly flared portions biased away from each other to urge said attachment locations to said

open array and connected to said control arrangement to urge said flared portions together against said bias when said control arrangement is moved to said closed position.

13. (original) A device according to claim 12 wherein said control arrangement includes a tube slidably coupled to said handle and surrounding said spacing arms for said tube to be moved proximally to said open position with said tube clear of said flared portions and further movable distally to cover said flared portions and urge said flared portions together.
14. (original) A device according to claim 12 wherein said spacing arms are flexible.
15. (original) A device according to claim 12 wherein said distal ends of said spacing arms are blunted to avoid trauma to tissue abutted by said distal ends.
16. (original) A device according to claim 12 wherein said attachment locations include openings in said distal ends to pass a suture through said openings and through said open end of said jacket to secure said jacket to said attachment locations and said jacket is releasable upon removing said suture.
17. (original) A device according to claim 10 comprising a bore for adhesive delivery at said attachment locations.
18. (original) A device according to claim 10 comprising a bore for suture delivery at said attachment locations.
19. (original) A device according to claim 10 comprising a capture member to releasably capture a jacket at said attachment locations.
20. (original) A device according to claim 10 wherein said control arrangement comprises drawstrings.